

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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RICKY J. NICHOLOPOULOS,

Petitioner,

v.

ORDER  
03-CV-254A

SUPERINTENDENT, ELMIRA  
CORRECTIONAL FACILITY,

Respondent.

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On April 1, 2003, petitioner filed a petition for habeas corpus. The case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1), on March 2, 2004. On February 14, 2005, Magistrate Judge Scott filed a Report and Recommendation, recommending that the petition be denied.

Petitioner filed objections to the Report and Recommendation on February 25, 2005. Respondent filed a response thereto on May 9, 2005. The parties waived oral argument on petitioner's objections.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which

objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions of the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the petition for a writ of habeas corpus is denied. The Clerk of Court is directed to take all steps necessary to close this case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

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Hon. Richard J. Arcara  
Chief Judge  
United States District Court

Dated: June 7 , 2005